

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
CHRISTOPHER EZZO, ANGELA EZZO,  
SUSAN HANAN, and CAROL MCCALL

Civil Action No.: CV13-4007

Plaintiffs,

-against-

BENTLEY YACHT CLUB, ROBERT A.  
MINLIONICA, EDWARD ROBISKY,  
CASEY J. ROBISKY, BRIAN RUSSELL,  
GINGER RUSSELL, KEVIN HARTNET,  
PATRICK BRITIEN, JOHN CORDES

**STIPULATION  
OF SETTLEMENT**

Defendants.  
-----X

WHEREAS, Plaintiffs CHRISTOPHER EZZO, ANGELA EZZO, SUSAN HANAN and CAROL MCCALL ("Plaintiffs"), having commenced this action in the Supreme Court, Richmond County to, *inter alia*, eject defendants BENTLEY YACHT CLUB, ROBERT A. MINLIONICA, EDWARD ROBISKY, CASEY J. ROBISKY, BRIAN RUSSELL, GINGER RUSSELL, KEVIN HARTNET, PATRICK BRITIEN and JOHN CORDES ("Defendants") from certain real property owned by Plaintiffs and located at 69 Hopping Avenue, Staten Island, New York ("Ezzo Property") and 65 Hopping Avenue, Staten Island, New York ("Hanan/McCall Property") (collectively the "Premises") and to enforce Plaintiffs' riparian rights as to said Premises; and

WHEREAS, defendants BENTLEY YACHT CLUB, ROBERT A. MINLIONICA, EDWARD ROBISKY, CASEY J. ROBISKY, KEVIN HARTNET, PATRICK BRITIEN and JOHN CORDES ("Answering Defendants") having appeared by counsel and having removed

this action to the United States District Court for the Eastern District of New York by notice of removal dated July 12, 2013; and

WHEREAS, Answering Defendants having answered Plaintiffs' complaint herein and having substantially denied the allegations contained in the Plaintiffs' complaint and having asserted various defenses thereto; and

WHEREAS defendants BRIAN RUSSELL and GINGER RUSSELL ("Non-Answering Defendants") having failed to appear herein and being in default of answering the summons and complaint; and

WHEREAS, Plaintiffs allege that the deed for the Ezzo Property specifically demised to Christopher Ezzo and Angela Ezzo ("Ezzo Plaintiffs") real property which extends out from the land and into the adjacent waterway approximately 60' past the United States Pier and Bulkhead line, a copy of which deed is annexed hereto as made a part hereof as Exhibit "A"; and

WHEREAS, Plaintiffs allege that the deed for the Hanan/McCall Property Property specifically demised to Susan Hanan and Carol MCCall ("Hanan/McCall Plaintiffs") real property which extends out from the land as set forth in the deed annexed hereto and made a part hereof as Exhibit "B"; and

WHEREAS Plaintiffs have alleged that the Answering Defendants have no right at law to maintain mooring balls or otherwise moor, dock and/or store boats and/or watercraft within the waters which are within the boundaries of Plaintiffs' Property; and

WHEREAS, by settling this action, the Answering Defendants are neither admitting nor denying the veracity of these assertions but are settling this matter without conceding same; and

WHEREAS, the Answering Defendants having removed their boats, mooring balls, anchors and other personal property from the Premises such that same are presently located outside the boundaries of the Premises; and

WHEREAS, except as might be specifically permitted by law and by applicable permit, pursuant to 33 U.S.C.A. § 404 the area beyond the United States Pier Head and Bulkhead line is within the navigable waters of the United States and no structure shall be permitted to be built beyond said point; and

WHEREAS, except as might be specifically permitted by law and by applicable permit, pursuant to NYS Navigation Law § 36, no unattended floating objects are permitted to be moored or anchored within any part of any navigable waters, thus making the area beyond the United States Pier and Bulkhead line not subject to the mooring of boats and water craft as a matter of law; and

WHEREAS, Answering Defendants have secured a permit from the United States Army Corp. of Engineers allowing boats and moorings to be located in the mooring field as set forth in the diagram approved by the United States Army Corp. of Engineers, a copy of which is annexed hereto as Exhibit "C"; and

WHEREAS, Plaintiffs and the Answering Defendants are desirous of settling any and all claims between them now and forever and memorializing their agreement in this Stipulation and order;

NOW, THEREFORE, it is hereby stipulated and agreed, by and between the parties hereto as follows:



1. Answering Defendants shall refrain from anchoring, mooring, docking or otherwise placing any boats, floats, mooring balls or other objects within the boundary lines of the Premises.
2. Answering Defendants shall comply with the terms and conditions of 33 U.S.C.A. § 404 *et seq.* and NY Navigation Law § 36 *et seq.* as it pertains to the area(s) of the Premises which are outside the United States Pier and Bulkhead line such that those areas are kept free and clear of any boats, floats, mooring balls or other objects within the boundary lines of the Premises, as required by law. However, nothing contained herein shall preclude answering defendants from maintaining mooring balls, boats, etc. pursuant to the permit issued by the Army Corps. of Engineers or otherwise, provided they are not relocated within the boundary lines of the Premises.
3. Answering Defendants waive any and all claims for any rights which might allege to have accrued or been acquired by Answering Defendants as to any adverse possession, prescriptive easement, easement by necessity or other right to use and or occupy the Premises, with prejudice.
4. All parties hereto agree that Defendant Bentley Yacht Club may maintain and utilize its moorings pursuant to a permit issued by the United States Army Corp. of Engineers in conformity therewith without interference or objection by Plaintiffs.
5. The complaint herein is hereby withdrawn, with prejudice, as to the Answering Defendants, pursuant to the terms and conditions contained herein. Simultaneously with the execution of this agreement, the Parties shall exchange general releases, which shall specifically exclude the rights and obligations of the parties pursuant to this Stipulation.



6. Nothing contained herein shall preclude the Plaintiffs from entering a default and pursuing a default judgment as against the Non Answering Defendants.

7. The parties expressly agree and understand that (i) this Stipulation shall be "so Ordered" such that the terms contained herein shall constitute an Order of this Court, (ii) that the terms and conditions of this Stipulation shall be enforceable by any of the parties hereto, and (iii) shall be binding each of the parties successors and/or assigns.

8. In the event that any party hereto shall seek to enforce the terms and conditions of this Stipulation, the prevailing party in any such proceedings shall be entitled to recover of the other party the prevailing party's reasonable and actual counsel fees and costs.

9. This Stipulation constitutes the entire agreement between the parties with respect to the subject matter thereof, and all agreements and/or understandings heretofore had between the parties with respect to the subject matter of this Stipulation are merged into the terms of this Stipulation.

10. The parties each represent and warrant that they have not relied upon any representation, express or implied, in entering into this Stipulation, except those set forth in this Stipulation.

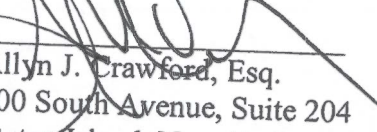
11. This Stipulation may not be waived, amended, modified, or discharged, except by an agreement in writing signed by the party against whom such waiver, amendment, modification, or discharge is sought. No oral understanding or agreement shall be effective to waive, amend, modify, or discharge the terms and/or conditions of this Stipulation.

12. Signature on a facsimile copy of this Stipulation shall have the same force and effect as an original signature. This Stipulation may be executed in separate counterparts.

Dated: Staten Island, New York  
January 30, 2014

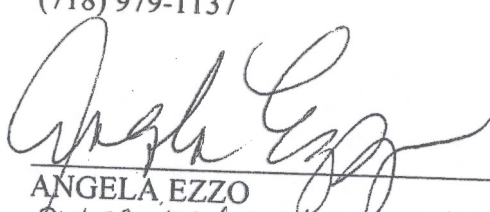
CRAWFORD & BRINGSLID  
Attorneys at Law, P.C.

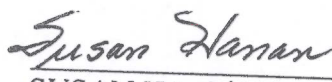
CASELLA & CASELLA

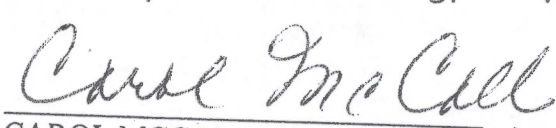
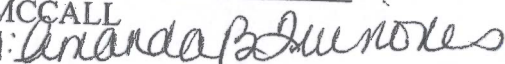
By:   
Allyn J. Crawford, Esq.  
900 South Avenue, Suite 204  
Staten Island, New York 10314  
(718) 273-9414

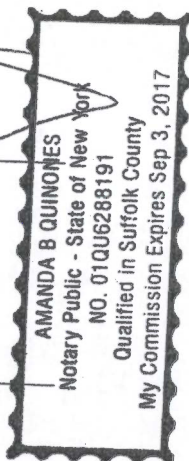
By: \_\_\_\_\_  
Keith Casella, Esq.  
1200 South Avenue, Suite 201  
Staten Island, New York 10314  
(718) 979-1137

  
CHRISTOPHER EZZO

  
ANGELA EZZO  
Subscribed and sworn to before me  
this day 30<sup>th</sup> of January, 2014.

  
SUSAN HANAN

  
CAROL MCCALL  
NOTARY: 



BENTLY YACHT CLUB

By: \_\_\_\_\_  
Robert A. Minlionic, Comodore

ROBERT A. MINLIONICA

EDWARD ROBISKY

CASEY J. ROBISKY

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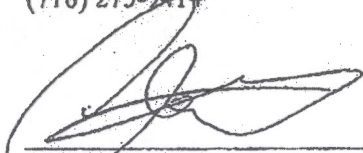
Dated: Staten Island, New York  
January \_\_, 2014

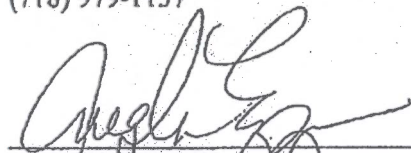
CRAWFORD & BRINGSLID  
Attorneys at Law, P.C.

CASELLA & CASELLA

By: \_\_\_\_\_  
Allyn J. Crawford, Esq.  
900 South Avenue, Suite 204  
Staten Island, New York 10314  
(718) 273-9414

By: \_\_\_\_\_  
Keith Casella, Esq.  
1200 South Avenue, Suite 201  
Staten Island, New York 10314  
(718) 979-1137

  
CHRISTOPHER EZZO

  
ANGELA EZZO

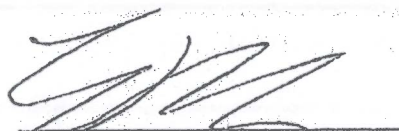
\_\_\_\_\_  
SUSAN HANNAN

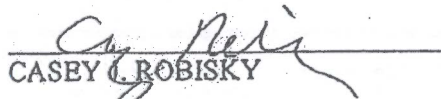
\_\_\_\_\_  
CAROL MCCALL

BENTLY YACHT CLUB

By: \_\_\_\_\_  
Robert A. Minlironica, Comodore

  
ROBERT A. MINLIONICA

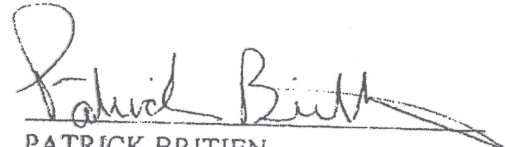
  
EDWARD ROBISKY

  
CASEY C. ROBISKY

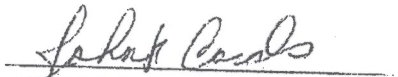




KEVIN HARTNET



PATRICK BRITEN



JOHN CORDES



DISTRIBUTED BY **StambergExcelor, Inc.**  
NYC 10013

THIS INDENTURE, made on October 21<sup>st</sup>, 2002

party of the first part, and CHRISTOPHER EZZO and ANGELA EZZO, his wife,  
both residing at 5309 Amboy Road, Staten Island,  
New York, 10312,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

BEGINNING at a point on the northwesterly side of Hopping Avenue (66 feet wide), distant 646.67 feet northeasterly from the intersection formed by the northwesterly side of Hopping Avenue and the northeasterly side of Amboy Road;

RUNNING THENCE North 58 degrees, 05 minutes, 13 seconds West, 725.80 feet to the westerly line of Lot 147 in Block 8005 as shown on the Tax Map of the City of New York, County of Richmond in the Arthur Kill;

THENCE northerly along the said westerly line of lot 147 in Block 8005 in the Arthur Kill approximately 60.00 feet;

THENCE South 58 degrees, 05 minutes, 13 seconds East, 744.44 feet to the northwesterly side of Hopping Avenue;

THENCE along the northwesterly side of Hopping Avenue South 31 degrees, 39 minutes, 47 seconds West, 60.00 feet to the point or place of BEGINNING.

SAID premises being known as 69 Hopping Avenue, Staten Island, New York.

BEING the same premises conveyed to the party of the first part and her husband, Bernard Lotvin, (now deceased) by Deed dated July 10, 1973 and recorded in the Richmond County Clerk's Office on July 10, 1973 in Liber 2044 of Deeds at Page 192.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

MARTHA LOTVIN



## ACKNOWLEDGMENT IN NEW YORK STATE (RPL 309-a)

State of New York, County of Richmond ss.:

On Oct. 11<sup>th</sup>, 2002 before me, the undersigned,  
personally appeared Martha Lotvin,

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public, State of New York  
No. 01MC0022329  
Qualified in Richmond County and office of individual taking acknowledgment  
Commission Expires March 29, 2005  
*Nicole J. McCarthy*

## ACKNOWLEDGMENT OUTSIDE NEW YORK STATE (RPL 309-b)

State of \_\_\_\_\_ ss.:

County of \_\_\_\_\_  
On \_\_\_\_\_ before me, the undersigned,  
personally appeared \_\_\_\_\_

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in \_\_\_\_\_

(Insert city or political subdivision and state or county or other place acknowledgment taken)

(Signature and office of individual taking acknowledgment)

## ACKNOWLEDGMENT BY SUBSCRIBING WITNESS(ES)

State of \_\_\_\_\_ ss.:

County of \_\_\_\_\_  
On \_\_\_\_\_ before me, the undersigned,  
personally appeared \_\_\_\_\_

the subscribing witness(es) to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in (If the place of residence is in a city, include the street and street number, if any, thereof):

that he/she/they know(s)

to be the individual(s) described in and who executed the foregoing instrument; that said subscribing witness(es) was (were) present and saw said

execute the same; and that said witness(es) at the same time subscribed his/her/their name(s) as a witness(es) thereto.  
(If taken outside New York State insert city or political subdivision and state or county or other place acknowledgment taken. And that said subscribing witness(es) made such appearance before the undersigned in \_\_\_\_\_)

(Signature and office of individual taking acknowledgment)

Premises: 69 Hopping Avenue  
Staten Island, NY

SECTION

BLOCK 8005

LOT 147

COUNTY OR TOWN RICHMOND

RETURN BY MAIL TO:

Victor T. Carasaniti, Esq.  
1602 Richmond Road  
Staten Island, NY

Zip No. 10304

Bargain and Sale Deed  
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. JNR-02555

MARTHA LOTVIN,

TO

CHRISOPHER EZZO and  
ANGELA EZZO, his wife.

Reserve this space for use of Recording Office.

RICHMOND COUNTY CLERK  
RECORDING and ENDORSEMENT PAGE  
COUNTY OF RICHMOND  
This page forms part of the instrument

Total Number of pages in document  
INCLUDING this page> 3

Premises  
69 Hopping Avenue  
Staten Island, NY

RECORD & Name Victor T. Carasaniti, Esq.  
RETURN TO: Address 1602 Amboy Road  
City/State/Zip Staten Island, NY 10304

Title/Agent Company Name  
JTB Land Services

BLOCKING SECTION

Title Company File Number  
JTB-02555

Block 8005  
Lots(s) 147 Partial Lot(s) \_\_\_\_\_

Describe Document(s) Deed

Name & Party 1 Martha Lotvin  
Address \_\_\_\_\_

Party 2 Christopher Ezzo and Angela Ezzo, his wife

COUNTY CLERK'S USE ONLY...Do Not Write Below This Line

Examined By: VB Date 11/13/03 Blocked: By: JM Date 11/16/02

Mtg. Amount \$ \_\_\_\_\_  
Mtg. Tax Collected \$ \_\_\_\_\_

Exemption  
Yes    No     
If yes- \_\_\_\_\_

Verified By:  
a. Address    b. Tax Map     
c. Legal Descr.    d. Blk/lot   

Type: [253] [255] Other \_\_\_\_\_

Dwelling Type: [1to3] [4to6] [over 6]  
[Vacant/Commercial]

Recording Fee \$ 1642.00 + 35

Affidavit Fee \$ \_\_\_\_\_

Consideration \$ 1690.00

Lien deduction \$ \_\_\_\_\_

RPT Tax \$ 4839.50

RETT Tax \$ 2760

Recording Fees:

a. Page Count 3 b. Extra Block(s) \_\_\_\_\_  
c. Extra Lot(s) \_\_\_\_\_ d. Extra Mortgage Cited \_\_\_\_\_

RECORDED IN RICHMOND COUNTY

JAN 14 2003

RICHMOND  
COUNTY CLERK  
RECEIVED

2002 NOV -6 P 4: 47

REC-CL-1-201

REEL 14025 PAGE 105

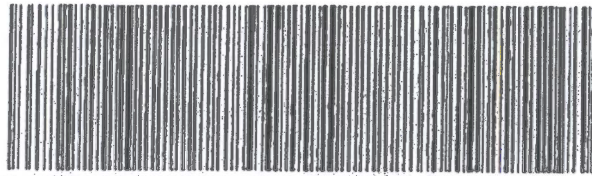
**EXHIBIT B**





Office of the  
Richmond County Clerk  
130 Stuyvesant Place  
Staten Island, NY 10301

Hon. Stephen J. Fiala, County Clerk



ACS-000000000300995-000000000401712-007

Recording and Endorsement Cover Page

Document Id: 000000000401712 Document Date: 05/26/2011 Preparation Date: 06/23/2011  
Document Type: DEED RESIDENTIAL  
Document Page Count: 00007

PRESENTER:

EMERSON HILL ABSTRACT CORP.  
1082 FOREST AVENUE  
EHA-191  
STATEN ISLAND NY, 10310

RETURN TO:

JENNIFER CUTRONA, ESQ.  
1082 FOREST AVENUE

STATEN ISLAND NY, 10310

PROPERTY DATA		# OF BLOCKS	1	# OF LOTS	1
Block	Lot	Unit	Address		
8005	140	Entire Lot	65 HOPPING AVENUE ✓		
Property Type: Dwelling Only - 1 Family					

PARTIES

GRANTOR  
GEORGE KERBER  
122 BUTLER AVENUE  
STATEN ISLAND NY, 10307

GRANTEE  
SUSAN HANAN  
65 HOPPING AVENUE  
STATEN ISLAND NY, 10307

"And Others"

SUPPORTING DOCUMENTS

RPT  
TP-584  
RP5217 NYC(1 Original & 1 Copy with Document)  
SMOKE AFFIDAVIT  
HOUSING AFFIDAVIT

PAYMENT DETAIL

Make Checks Payable to:

Richmond County Clerk: 174.00 Recording Fees

Total Payments For This Document: 174.00

**FEES PAID**

EXAM *Am*

DATE *6/30/11*

RECORDED IN RICHMOND COUNTY

JUL - 1 2011

*Stephen J. Fiala*  
COUNTY CLERK

LAND DOC# 386602

23R-DEEDS

RETT: 5389 \$.00

RPT: 5389 \$.00

07/01/2011 11:05:54 A.M.

RECEIPT: 29159 FEE: \$174.00

RICHMOND COUNTY CLERK

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT-THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made May 26, 2011 BETWEEN

GEORGE KERBER

residing at 122 Butler Avenue, Staten Island, New York 10307

party of the first part, and

SUSAN HANAN AND CAROL MCCALL, AS JOINT TENANTS WITH A RIGHT OF SURVIVORSHIP

residing at 65 Hopping Avenue, Staten Island, New York 10307

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN AND MORE

lawful money of the United States,

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

dollars,  
paid

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Staten Island, County of Richmond, City and State of New York and described in Schedule "A" annexed hereto and made a part hereof.

PREMISES commonly known as: 65 Hopping Avenue, Staten Island, New York 10307.

SUBJECT to covenants, easements, restrictions, declarations and agreements of record.

BEING the same premises conveyed to the party of the first part by deed dated March 25, 2011, and recorded on April 4, 2011, in Document # 377355, in the office of the Clerk of the County of Richmond.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
\_\_\_\_\_  
GEORGE KERBER

## USE ACKNOWLEDGEMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

STATE OF NEW YORK, COUNTY OF RICHMOND ss.:

On the 26<sup>TH</sup> day of May, in the year 2011, before me, the undersigned, a notary public in and for said State, personally appeared, **GEORGE KERBER**, personally known to me or proved to be on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

**JENNIFER CUTRONA** Notary Public  
Public, State of New York  
No. 02CU5043205  
Filed in Richmond County  
Commission Expires May 8, 2015

## ACKNOWLEDGMENT FORM FOR USE WITHIN NEW YORK STATE ONLY:

New York Subscribing Witness Acknowledgment Certificate

STATE OF NEW YORK, COUNTY OF ss.:

On the day of , in the year 2011 before me, the undersigned, personally appeared , subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and that he/she/they reside(s) in the place of residence is in a city, include the street and street number, if any, thereof; that he/she/they know(s) to be the individual subscribed in and who executed the foregoing instrument; that said subscribing witness was present and saw said execute the same; and that witness at the same time subscribed his/her/ their name(s) as a witness thereto.

Notary Public

## USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

STATE OF NEW YORK, COUNTY OF ss.:

On the day of in the year 2011, before me, the undersigned, personally appeared , personally known to me or proved to be on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) on the instrument, the individual(s), or person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

## ACKNOWLEDGMENT FORM FOR USE OUTSIDE NEW YORK STATE ONLY:

(Out of State or Foreign General Acknowledgment Certificate)

(Complete Venue with State, Country, Province or Municipality) ss.:

On the day of in the year 2011 before me, the undersigned, personally appeared , personally known to me or proven to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

STATE OF , COUNTY OF  
(Insert the city or other political subdivision and the state or country or other place the acknowledgment was taken)

Notary Public

## GAIN AND SALE DEED

Covenant Against Grantor's Acts

ss.:

BER

TO

AN/McCALL

SECTION

BLOCK: 8005

LOT: 140

COUNTY: Richmond

ADDRESS: 65 Hopping Avenue, Staten Island, New York 10307

RECORD AND RETURN BY MAIL TO:

JENNIFER CUTRONA, ESQ.  
1082 FOREST AVENUE  
STATEN ISLAND, NEW YORK 10310



# THE CITY OF NEW YORK

## VITAL RECORDS CERTIFICATE

### DEATH TRANSCRIPT

DATE FILED: THE CITY OF NEW YORK - DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
 NEW YORK CITY  
 DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
 APRIL 21 2011 09:48 PM

Certificate No. 156-11-016974

1. DECEDENT'S LEGAL NAME: Agnes Kerber  
 (First, Middle, Last)

MEDICAL CERTIFICATE OF DEATH (To be filled in by Physician)	2a. New York City Place of Death: <u>Bklyn</u>	2c. Type of Place <input type="checkbox"/> Hospital Inpatient <input type="checkbox"/> Emergency Dept./Outpatient <input type="checkbox"/> Dead on Arrival	4 <input type="checkbox"/> Nursing Home/Long-Term Care Facility 5 <input type="checkbox"/> Hospice Facility 6 <input type="checkbox"/> Decedent's Residence 7 <input type="checkbox"/> Other Specify	2d. Any Hospice care in last 30 days 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No 3 <input type="checkbox"/> Unknown	2e. Name of hospital or other facility (if not facility, street address): <u>122 Butler Avenue</u>
	3a. (Month) <u>April</u> (Day) <u>20</u> (Year) <u>2011</u>	3b. Time: <u>5:30</u> <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	3c. Sex: <u>Female</u>	5. Date last attended by a Physician: <u>3/14/11</u>	
6. Certifier: I certify that death occurred at the time, date and place indicated and that to the best of my knowledge traumatic injury or poisoning DID NOT play any part in causing death, and that death did not occur in any unusual manner and was due entirely to NATURAL CAUSES. See instructions on reverse of certificate.					
7. Name of Physician: <u>Thomas C. Mesina M.D.</u> Signature: <u>[Signature]</u> License No. <u>NY 10112</u> Date: <u>4/11/11</u>					
8. Address: <u>4634 65th St</u>					
7a. Usual Residence State: <u>New York</u>		7b. County: <u>Richmond</u>	7c. City or Town: <u>Staten Island</u>	7d. Street and Number: <u>122 Butler Avenue</u>	7e. ZIP Code: <u>10307</u>
8. Date of Birth: (Month) <u>November</u> (Day) <u>15</u> (Year) <u>1915</u>		9. Age at last birthday: <u>95</u> (years)		10. Social Security No.: <u>0-123456789</u>	
11a. Usual Occupation (Type of work done during most of working life. Do not use "retired"): <u>School Teacher</u>		11b. Kind of business or industry: <u>NYC Public Sch</u>		12. Aliases or AKA's: <u>Agnes Grace Kerber</u>	
13. Birthplace (City & State or Foreign Country): <u>Jersey City, N.J.</u>		14. Education (Check the box that best describes the highest degree or level of school completed at the time of death): <input type="checkbox"/> 8th grade or less none <input type="checkbox"/> 9th - 12th grade, no diploma <input type="checkbox"/> High school graduate or GED <input type="checkbox"/> Some college credit, but no degree <input type="checkbox"/> Associate degree (e.g., AA, AS) <input type="checkbox"/> Bachelor's degree (e.g., BA, BS, BS) <input type="checkbox"/> Master's degree (e.g., MA, MS, MEd, MEng, MEd, MEd) <input type="checkbox"/> Doctorate (e.g., PhD, EdD) <input type="checkbox"/> Professional degree (e.g., MD, DDS, DVM, LL.M., J.D.)			
15. Ever in U.S. Armed Forces? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		16. Marital/Partnership Status at time of death: <input checked="" type="checkbox"/> Married <input type="checkbox"/> Domestic Partner <input type="checkbox"/> Divorced <input type="checkbox"/> Married, but separated <input type="checkbox"/> Never Married <input type="checkbox"/> Widowed <input type="checkbox"/> Other Specify		17. Surviving Spouse's/Partner's Name (If wife, name prior to first marriage) (First, Middle, Last): <u>George A. Kerber</u>	
18. Father's Name (First, Middle, Last): <u>John Weldon</u>		19. Mother's Maiden Name (Prior to first marriage) (First, Middle, Last): <u>Mary McCall</u>			
20a. Informant's Name: <u>George A. Kerber</u>		20b. Relationship to Decedent: <u>Husband</u>		20c. Address (Street and Number): <u>122 Butler Avenue</u> Apt. No. <u>5</u> City & State: <u>Staten Island, NY</u> ZIP Code: <u>10307</u>	
21a. Method of Disposition: <input type="checkbox"/> Burial <input checked="" type="checkbox"/> Cremation <input type="checkbox"/> Entombment <input type="checkbox"/> Other Specify		21b. Place of Disposition (Name of cemetery, crematory, other place): <u>Roschill Crematory</u>			
21c. Location of Disposition (City & State or Foreign Country): <u>Linden, New Jersey</u>				21d. Date of Disposition: <u>04/22/11</u>	
22a. Funeral Establishment: <u>Bedell-Pizzo Funeral Home</u>		22b. Address (Street and Number): <u>1447 Ambry Rd</u> City & State: <u>Staten Island, NY</u> ZIP Code: <u>10307</u>			

This is to certify that the foregoing is a true copy of a record on file in the Department of Health and Mental Hygiene. The Department of Health and Mental Hygiene does not certify to the truth of the statements made hereon; as no inquiry as to the facts has been provided by law.

Do not accept this transcript unless it bears the security features listed on the back. Reproduction or alteration of this transcript is prohibited by §3.19(b) of the New York City Health Code if the purpose is the evasion or violation of any provision of the Health Code or any other law.

DATE ISSUED

April 21, 2011

Steven P. Schwartz  
 Steven P. Schwartz, Ph.D., City Registrar



WFO 0730876



FIRST AMERICAN TITLE INSURANCE COMPANY

Title No. EHA 11-0823

REVISED  
SCHEDULE A

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Fifth Ward of the Borough of Richmond, City and State of New York, and being designated as part of Lot One as shown on Map of the Biddle Grove Property belonging to A.H. Wood, Jas. C. Robinson and Jas. W. Slaight, Tottenville, William T. Elliott, Surveyor and filed in the Richmond County Clerk's Office June 30, 1870 as Map No. 279, and being more particularly bounded and described as follows:

BEGINNING at a point on the Northwesternly line of Hopping Avenue, which point is distant 706.67 feet Northeastly from the corner formed by the intersection of the Northerly line of Amboy Road with the Westerly line of Hopping Avenue; and running

THENCE North 58 degrees 05 minutes 13 seconds West, 224.40 feet to the line of Mean High Water of the Arthur Kill; and running

THENCE North 19 degrees 09 minutes 30 seconds East, along the line of Mean High Water of the Arthur Kill, 102.63 feet to the Northwesternly corner of land formerly of Samuel DeHart and now of the City of New York;

THENCE South 58 degrees 05 minutes 13 seconds East, along the Westerly line of land formerly of Samuel DeHart and now of the City of New York about 248.60 feet (225 feet on the prior deed) to the Northwesternly line of Hopping Avenue;

THENCE South 31 degrees 39 minutes 47 seconds West, along the Northwesternly line of Hopping Avenue 100 feet to the point or place of BEGINNING.

AND

ALL that certain parcel of land under the waters of the Staten Island Sound between Staten Island and the State of New York in front of the uplands described in Parcel I herein in the Town of Tottenville, Fifth Ward, Borough and County of Richmond, City and State of New York, bounded and described as follows:

- CONTINUED -

insw

**SCHEDULE A  
(continued)**

**EHA 11-0823**

**Continued.....**

**BEGINNING** at the point of intersection formed by the line of ordinary highwater of said Sound and the Northeasterly boundary line of lands now of David F. Coleman; running

**THENCE** Northwest on a prolongation Northerly of the said Northeasterly boundary line of lands of said David F. Coleman 554 feet more or less to the bulkhead and pier line as projected by the Act of 1857;

**THENCE** Northeast along said projected bulkhead and pier line 100 feet;

**THENCE** Southeast in a straight line about 567 feet to the line of ordinary highwater at a point 100 feet Easterly from the point of beginning;

**THENCE** Southwesterly along said line of ordinary highwater 100 feet to the point or place of **BEGINNING**. Be said area and dimensions more or less.

*Insu*



FOR CITY USE ONLY

C1. County Code        C2. Date Deed Recorded        /        /         
C3. Book        C4. Page         
OR  
C5. CRFN       



## REAL PROPERTY TRANSFER REPORT

STATE OF NEW YORK  
STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

## PROPERTY INFORMATION

1. Property Location	65	Hopping Avenue	Staten Island	10307
----------------------	----	----------------	---------------	-------

2. Buyer Name Hanan Susan

McCall	Carol
--------	-------

3. Tax Billing Address Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form)

[illegible]

4. Indicate the number of Assessment Roll parcels transferred on the deed  # of Parcels OR  Part of a Parcel

**4A. Planning Board Approval - N/A for NYC**

4B. Agricultural District Notice - N/A for NYC

6. Dead Property Size 100 X 225 OR \_\_\_\_\_

**Check the boxes below as they apply:**

### 6. Ownership Type is Condominium

### 7. New Construction on Vacant Land

8. Seller Name Kerber George

**9. Check the box below which most accurately describes the use of the property at the time of sale:**

A	<input checked="" type="checkbox"/>	One Family Residential	C	<input type="checkbox"/>	Residential Vacant Land	E	<input type="checkbox"/>	Commercial	G	<input type="checkbox"/>	Entertainment / Amusement	I	<input type="checkbox"/>	Industrial
B	<input type="checkbox"/>	2 or 3 Family Residential	D	<input type="checkbox"/>	Non-Residential Vacant Land	F	<input type="checkbox"/>	Apartment	H	<input type="checkbox"/>	Community Service	J	<input type="checkbox"/>	Public Service

**SALE INFORMATION**

10. Sale Contract Date 5 / 26 / 2011

11. Date of Sale / Transfer 5 / 26 / 2011

12. Full Sale Price | \_\_\_\_\_ 0

(Full Sale. Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

13. Indicate the value of personal property included in the sale 0

14. Check one or more of these conditions as applicable to transfer:

A	<input checked="" type="checkbox"/>	Sale Between Relatives or Former Relatives
B	<input type="checkbox"/>	Sale Between Related Companies or Partners in Business
C	<input type="checkbox"/>	One of the Buyers is also a Seller
D	<input type="checkbox"/>	Buyer or Seller Is Government Agency or Lending Institution
E	<input type="checkbox"/>	Deed Type not Warranty or Bargain and Sale (Specify Below)
F	<input type="checkbox"/>	Sale of Fractional or Less than Fee Interest (Specify Below)
G	<input type="checkbox"/>	Significant Change in Property Between Taxable Status and Sale Dates
H	<input type="checkbox"/>	Sale of Business Is Included in Sale Price
I	<input type="checkbox"/>	Other Unusual Factors Affecting Sale Price (Specify Below)
J	<input type="checkbox"/>	None

**ASSESSMENT INFORMATION** - Data should reflect the latest Final Assessment Roll and Tax Bill

15. Building Class B, 2

16. Total Assessed Value (of all parcels in transfer) 3 5 6 6 5

17. Borough, Block and Lot / Roll Identifier(s) ( If more than three, attach sheet with additional Identifier(s) )

**Staten Island, 8005, 140**

## CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

**BUYER**

**BUYER'S ATTORNEY**

**Jennifer Cutrona** | Esq.

65 Hopping Avenue

(718) 981-9200

**SELLER**

**Staten Island** | **N.Y.** | **10307**

✓ George Karber | 5-26-11



EXHIBIT C



DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10278-0090

REPLY TO  
ATTENTION OF

REGULATORY BRANCH

NOV 22 2013

SUBJECT: Permit Application File Number NAN-2013-00809-EMC By Bentley Yacht Club for modifications to a mooring field in an existing marina in the Arthur Kill in Staten Island, Richmond County, New York.

1. PERMITTEE:

Bentley Yacht Club  
91 Hopping Avenue  
Staten Island, New York 10307  
917-807-9313

2. On August 16, 2013, the New York District of the U.S. Army Corps of Engineers received a request for Department of the Army authorization to maintain an existing mooring field, consisting of 22 moorings; a 6-foot-wide by 44-foot-long fixed dock; a 6-foot-wide by 31.5-foot-long dock; and a 14-foot-wide by 31.5-foot-long dock positioned in an "L" shape configuration. The site is in the Arthur Kill, located in Staten Island, Richmond County, New York.

3. The specific applicant-provided details are as shown on the attached dated survey and drawing.

4. This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York District of the U.S. Army Corps of Engineers.

5. Based on the information submitted to this office and accomplishment of any required notification in accordance with the applicable federal requirements, our review of the subject work indicates that an individual Department of the Army permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number # 28, MODIFICATIONS OF EXISTING MARINAS, in accordance with Section 404 of the Clean Water Act (33 USC 1344, as amended). The nationwide permits are prescribed at Reissuance of Nationwide Permits in the Federal Register dated February 21, 2012 (77 FR 10184). The subject work may be performed without further authorization from this office provided it complies with the permit conditions listed in Section B, # 28, MODIFICATIONS OF EXISTING MARINAS; Section C; any applicable New York District regional conditions; the following work-specific Special Conditions listed below; and any applicable regional conditions added by the State of New York.

REGULATORY BRANCH

NOV 22 2013

SUBJECT: Permit Application File Number NAN-2013-00809-EMC By Bentley Yacht Club for modifications to a mooring field in an existing marina in the Arthur Kill in Staten Island, Richmond County, New York.

6. Other than the work-specific Special Conditions listed below, the 2012 nationwide general permits in the State of New York, including their final regional conditions, water quality certifications, and coastal zone concurrence statements are available at:

[http://www.nan.usace.army.mil/Portals/37/docs/regulatory/geninfo/natp/NWP\\_PN\\_30MA\\_Y12.pdf](http://www.nan.usace.army.mil/Portals/37/docs/regulatory/geninfo/natp/NWP_PN_30MA_Y12.pdf)

If you require a specific paper copy, please contact our Regulator-of-the-Day at 917-790-8511 to request one be mailed to you. Please be sure to have the above eighteen-character file number readily available when you call.

7. Work-specific Special Conditions:

(A) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

(B) The permittee, and their agents, shall take actions to prevent construction materials, including debris, from entering any waterway to become drift or pollution hazards.

(C) The permittee shall contact the appropriate state and local government officials to ensure that the subject work is performed in compliance with their requirements.

(D) The permittee shall sign and submit the attached compliance certification form to this office within 30 days of the completion of the regulated activity authorized by this permit and any mitigation work required by Special Condition.

8. Please note that this nationwide general permit (NWGP) verification is based on a preliminary jurisdictional determination (JD). A preliminary jurisdictional determination (JD) is not appealable. If you wish, prior to commencement of the authorized work you may request an approved jurisdictional determination (JD), which may be appealed, by contacting the New York District, US Army Corps of Engineers for further instructions. To assist you in this decision and address any questions you may have on the differences between preliminary and approved jurisdictional determinations, please review US Army Corps of Engineers Regulatory Guidance Letter Number 08-02, which can be found at:

<http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl08-02.pdf>



REGULATORY BRANCH

NOV 22 2013

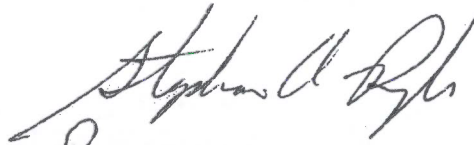
SUBJECT: Permit Application File Number NAN-2013-00809-EMC By Bentley Yacht Club for modifications to a mooring field in an existing marina in the Arthur Kill in Staten Island, Richmond County, New York.

9. This verification is valid until March 17, 2017, unless the nationwide general permits are modified, reissued, or revoked before then. This verification will remain valid until March 17, 2017, if the subject work activity complies with the terms of any subsequent modifications of the nationwide general permits. If the nationwide general permits are suspended, revoked, or modified in such a way that the subject activity would no longer comply with the terms and conditions of a nationwide general permit, and the proposed work activity has commenced, or is under contract to commence, the permittee will have twelve (12) months from the date of such permit action to complete the regulated work.

10. In order for us to better serve you and others, please complete our Customer Service Survey located at:

<http://per2.nwp.usace.army.mil/survey.html>

11. Any inquiries should be directed to our Regulator-of-the-Day at 917-790-8511. Please be sure to have the above eighteen-character file number readily available when you call.



For  
Christopher S. Mallery Ph.D  
Deputy Chief, Regulatory Branch

Encls (2)

1. Dated Permit Drwg
2. Completion Form

CF: w/o encls  
Robert Minlionica  
NYS DEC Reg 2

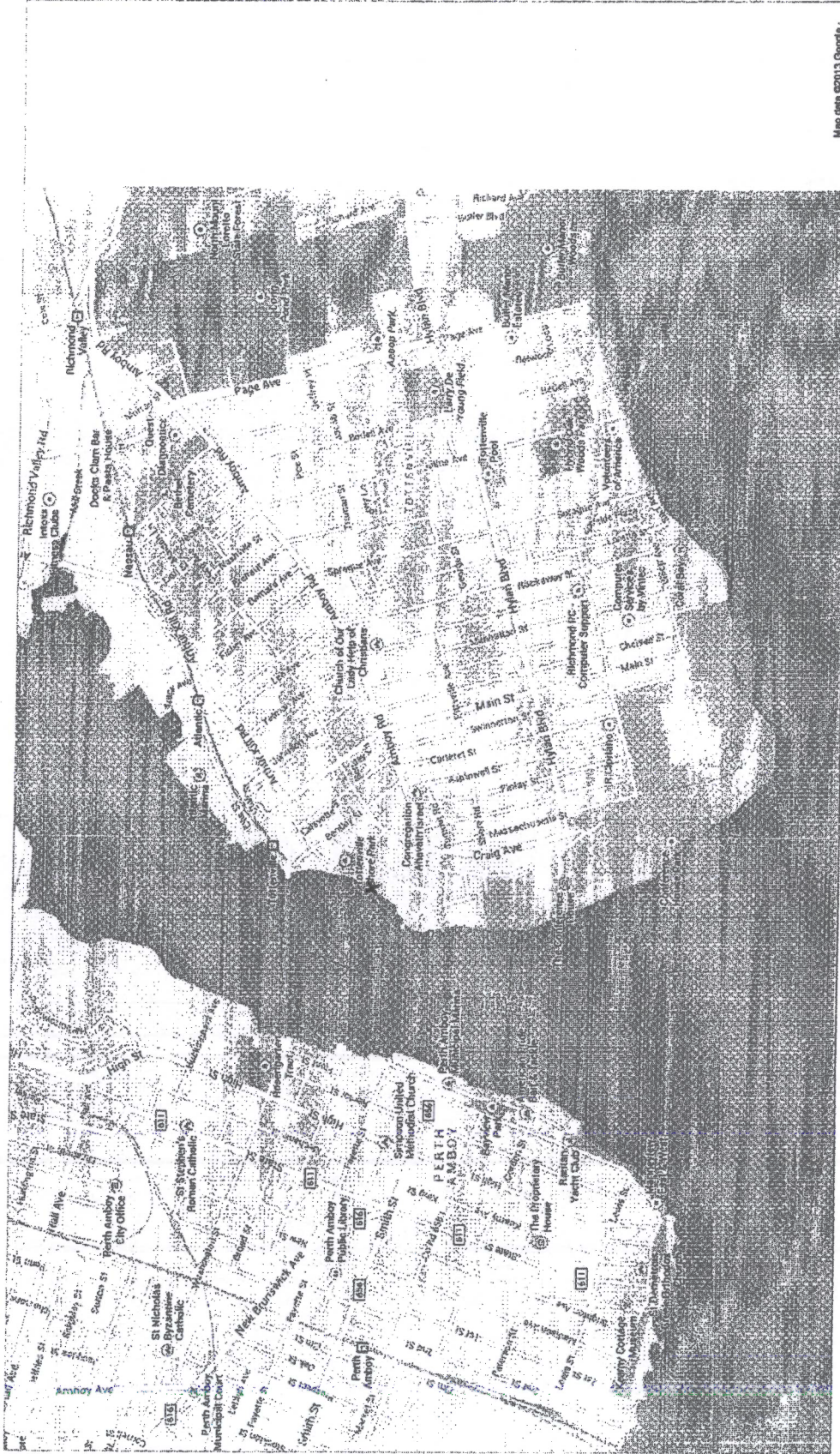


91 Hopping Avenue, Staten Island, NY 10307 - Google Maps

Page 1 of 1

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



NAN-2013-00809-CMC

NOV 22 2013

<https://maps.google.com/maps?hl=en&tab=w1>

11/14/2013



**NATIONWIDE GENERAL PERMIT**  
**COMPLIANCE CERTIFICATION**  
**AND REPORT FORM**

Permit File Number: NAN-2013-00809-EMC

Permittee: Bentley Yacht Club

Location: Staten Island, Richmond County, New York

Date Permit Letter Issued: NOV 22 2013

Within 30 days of the completion of the activity authorized by this nationwide general permit and any mitigation required in the verification letter, please sign this certification and return it to the address at the bottom of this form.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the permit's terms and conditions you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced nationwide general permit has been completed in accordance with the terms and conditions of said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

FOLD THIS FORM INTO THIRDS, WITH THE BOTTOM THIRD FACING OUTWARD.  
TAPE IT TOGETHER AND MAIL TO THE ADDRESS BELOW OR FAX (212) 264-4260.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
PLACE  
STAMP  
HERE

DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
ATTN: CENAN-OP-RE  
NEW YORK, NEW YORK 10278-0090